

United States Courts  
Southern District of Texas  
FILED

MAY 03 2017

David J. Bradley, Clerk of Court

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

UNITED STATES OF AMERICA

v.

JOSEPH BERZAT  
JAVIAN CHAPMAN

§  
§  
§  
§  
§  
§

CRIMINAL NO.:

17 CR 0254

INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNT ONE

From on or about August 5, 2016 to on or about August 12, 2016, in the Houston Division of the Southern District of Texas, the defendants,

JOSEPH BERZAT  
and  
JAVIAN CHAPMAN,

did knowingly and intentionally combine, conspire, confederate and agree with others known and unknown to the Grand Jury to commit offenses against the United States, to wit: Interference with Commerce by Robbery, that is, to obstruct, delay and affect commerce by taking, by means of force, violence, and intimidation, from the presence or person of another, United States currency, a cell phone and a vehicle, and the contents of an ATM machine, and in committing such offenses, did assault and

put in jeopardy the life of another person by the use of a dangerous weapon, that is, a firearm, in violation of Title 18, United States Code, Section 1951(a).

### **The Manner and Means of the Conspiracy**

1. It was part of the conspiracy that two or more conspirators, known and unknown to the Grand Jury, targeted and entered massage parlors during the commission of armed robberies.

2. It was further part of the conspiracy that conspirators would force entry into the massage parlors by breaking an exterior window to gain access to the inside of the businesses.

3. It was further part of the conspiracy that conspirators brandished firearms during the robberies while demanding money from massage parlor employees.

### **Overt Acts**

In furtherance of the conspiracy described herein, and to effect and accomplish the objects of the conspiracy, one or more of the conspirators did commit and cause to be committed, the following overt acts, among others, in the Southern District of Texas and elsewhere:

1. From approximately 11:00 PM on or about August 5, 2016, to approximately 1:30 AM on or about August 6, 2016, four armed conspirators entered Hana Spa, a non-therapeutic massage parlor located at 14015 Bammel North Houston Road, Houston, Texas, and stole the contents of an ATM machine located inside the business, including \$2,500 in United States currency. The ATM was then used in interstate commerce and Hana Spa was then a business that was engaged in and affected interstate commerce.

2. From approximately 11:00 PM on or about August 5, 2016, to approximately 1:30 AM on or about August 6, 2016, four armed conspirators entered Hana Spa, a non-therapeutic massage parlor located at 14015 Bammel North Houston Road, Houston, Texas, and stole from employees approximately \$400 in United States currency, a cell phone and a 2014 Acura SUV. Hana Spa was then a business that was engaged in and affected interstate commerce.

3. One or more conspirators broke an exterior window to gain initial entry into Hana Spa, and then opened a rear door to allow additional conspirators to enter.

4. Conspirators brought with them tools that they used to dismantle the ATM inside Hana Spa.

5. During the commission of the robbery, armed conspirators demanded money and personal articles from Hana Spa employees.

6. Conspirators also physically and sexually assaulted one or more Hana Spa employees, leaving at the scene and on the body of the employee who was sexually assaulted seminal fluid containing DNA that was thereafter recovered and processed.

7. One conspirator forcibly placed a Hana Spa employee's toe in his mouth.

8. In the course of dismantling the ATM machine inside Hana Spa, one of the conspirators left on it a latent print that was recovered, processed and determined to match the palm print records belonging to defendant JOSEPH BERZAT.

9. At approximately 9:45 PM on or about August 12, 2016, two armed conspirators entered No. 9 Spa, then a non-therapeutic massage parlor located at 4444 Farm to Market 1960 Road West, Houston, Texas, and stole approximately \$200 in United States currency. No. 9 Spa was then a business that was engaged in and affected interstate commerce.

10. Conspirators broke an exterior window to gain entry into No. 9 Spa, leaving in the area fresh blood that was recovered and processed.

11. JOSEPH BERZAT was positively identified by Hana Spa employees as one of the conspirators who sexually and physically assaulted one or more Hana Spa employees while robbing the

massage parlor at gunpoint from on or about August 5, 2016 to on or about August 6, 2016.

12. On August 26, 2016, JOSEPH BERZAT was detained after being stopped in a silver Pontiac Grand Am that matched the description of a vehicle used in one or more prior massage parlor robberies. Also present in the vehicle was defendant JAVIAN CHAPMAN.

13. JAVIAN CHAPMAN was positively identified by Hana Spa employees as one of the conspirators who sexually and physically assaulted one or more employees while robbing the massage parlor at gunpoint from on or about August 5, 2016 to on or about August 6, 2016.

14. On August 26, 2016, during an interview with law enforcement officials, JOSEPH BERZAT stated that he had a foot fetish and liked to suck on women's feet.

15. JOSEPH BERZAT was positively identified by a No. 9 Spa employee as one of the conspirators who robbed the No. 9 Spa massage parlor at gunpoint on or about August 12, 2016.

16. DNA results from a Harris County Institute of Forensic Sciences lab report indicate that JOSEPH BERZAT cannot be excluded as a possible major contributor to DNA in the blood sample recovered from the near the window that was broken during the armed robbery of No. 9 Spa on or about August 12, 2016.

17. DNA results from a Harris County Institute of Forensic Sciences lab report indicate that JOSEPH BERZAT cannot be excluded as a possible major contributor to DNA in the semen samples recovered from both the body of the Hana Spa employee who was sexually assaulted and from the physical scene following the armed robbery of Hana Spa that occurred from on or about August 5, 2016 to on or about August 6, 2016.

18. DNA results from a Harris County Institute of Forensic Sciences lab report indicate that JAVIAN CHAPMAN cannot be excluded as a possible major contributor to DNA in the semen samples recovered from both the body of the Hana employee who was sexually assaulted and from the physical scene following the armed robbery of Hana Spa that occurred from on or about August 5, 2016 to on or about August 6, 2016.

**COUNT TWO**

From on or about August 5, 2016 to on or about August 6, 2016, in the Houston Division of the Southern District of Texas, the defendants,

**JOSEPH BERZAT  
and  
JAVIAN CHAPMAN,**

did unlawfully obstruct, delay and affect commerce as that term is defined in 18 U.S.C. § 1951, and the movement of articles and

commodities in such commerce, by robbery, as that term is defined in 18 U.S.C. § 1951, in that the defendants did unlawfully take and obtain property, specifically the contents of an ATM machine owned by Adam Bocchetto, including \$2,500 in United States currency, from inside Hana Spa, a business located at 14015 Bammel North Houston Road, Houston, Texas, in the presence of one or more employees, against the employees' will by means of actual and threatened force, violence, and fear of immediate and future injury to the employees' person, said ATM machine having been used in interstate commerce.

In violation of Title 18, United States Code, §1951(a).

**COUNT THREE**

From on or about August 5, 2016, to on or about August 6, 2016, in the Houston Division of the Southern District of Texas, the defendants,

**JOSEPH BERZAT  
and  
JAVIAN CHAPMAN,**

did knowingly use, carry, brandish and discharge a firearm during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, to wit: Interfering with Commerce by Robbery, as set forth in Count Two

of this Indictment, which count is incorporated herein by reference.

In violation of Title 18, United States Code, § 924(c).

**COUNT FOUR**

From on or about August 5, 2016 to on or about August 6, 2016, in the Houston Division of the Southern District of Texas, the defendants,

**JOSEPH BERZAT  
and  
JAVIAN CHAPMAN,**

did unlawfully obstruct, delay and affect commerce as that term is defined in 18 U.S.C. § 1951, and the movement of articles and commodities in such commerce, by robbery, as that term is defined in 18 U.S.C. § 1951, in that the defendants did unlawfully take and obtain property, specifically \$400 in United States currency, a cell phone and a 2014 Acura SUV belonging to employees of Hana Spa, a business at 14015 Bammel North Houston Road, Houston, Texas, against the employees' will by means of actual and threatened force, violence, and fear of immediate and future injury to the employees' person, while said employees were employed at a business that was engaged in and affected interstate commerce.

In violation of Title 18, United States Code, §1951(a).



COUNT FIVE

From on or about August 5, 2016 to on or about August 6, 2016, in the Houston Division of the Southern District of Texas, the defendants,


JOSEPH BERZAT  
and  
JAVIAN CHAPMAN,

did knowingly use, carry, brandish and discharge a firearm during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, to wit: Interfering with Commerce by Robbery, as set forth in Count Four of this Indictment, which count is incorporated herein by reference.

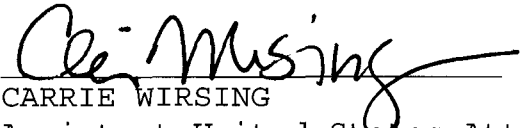
In violation of Title 18, United States Code, § 924(c).

A TRUE BILL:

ORIGINAL SIGNATURE ON FILE

 OF THE GRAND JURY

ABE MARTINEZ  
Acting United States Attorney

BY:   
CARRIE WIRSING  
Assistant United States Attorney